

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ALEXANDER CASTELLANO-BENITEZ,

Defendant.

4:15CR3114

ORDER

The parties have conferred with the court, explaining that the government has disclosed substantial additional evidence it intends to present at trial, Defendant needs additional time to review and consider this evidence, the case can no longer be tried in three days, and the current setting, November 21, 2016, cannot accommodate a four-day trial due to the Thanksgiving holiday. Counsel further explained that with the additional time needed for the trial itself, and upon comparing their calendars with Judge Gerrard's, the earliest this case can be tried is January 23, 2017.

Based on counsel's representations, the court finds Defendant amended motion to continue, (Filing No. 124), should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant's motion to continue, (Filing No. 124), is granted.
- 2) Trial of this case is set to commence before the Honorable John M. Gerrard, United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at 9:00 a.m. on January 23, 2017, or as soon thereafter as the case may be called, for a duration of four (4) trial days. Jury selection will be held at commencement of trial.
- 3) Based upon the showing set forth in Defendant's motion and the representations of counsel, the Court further finds that the ends of justice will be served by continuing the trial; and that the purposes served by continuing the trial date in this case outweigh the interest of the defendant and the public in a speedy trial. Accordingly, the additional time arising as

a result of the granting of the motion, the time between today's date and January 23, 2017, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided under the court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

November 4, 2016.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge